

REMARKS

The Examiner is thanked for the thorough examination of the present application. The Office Action mailed December 28, 2007 rejected claims 1-20 and 22-35. This is a full and timely response to that outstanding Office Action. Claims 1-20 and 22-35 remain pending.

I. Present Status of Patent Application

Claims 1, 16, 29, and 34 are rejected under 35 U.S.C. 112, Second Paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1-3, 6-10, 12, 14, 16-19, 23-25, 27, 29, 32, and 34 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in view of *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250), further in view of Applicant's Admitted Prior Art. Claim 4 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) and *Troen-Krasnow, et al.* (U.S. Patent NO. 6,442,250) in view of *Chuah, et al.* (U.S. Patent No. 6,400,722). Claim 5 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) and *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250) further in view of *Kozdon, et al.* (U.S. Patent No. 6,456,601). Claim 11 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) and *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250) further in view of *Rogers, et al.* (U.S. Patent No. 6,301,484). Claims 13, 20, and 22 are rejected under 35 U.S.C. 103(a) as allegedly being

unpatentable over *Brown* (U.S. Patent No. 6,014,711) and *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250) further in view of *Bookspan, et al.* (U.S. Patent No. 6,636,888). Claims 15, 26, and 30 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) and *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250) further in view of *Lewis* (U.S. Patent No. 6,513,019). Claims 28 and 31 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) and *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250) further in view of *Ooe* (U.S. Patent No. 6,330,238). Claims 33 and 35 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) and *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250) in view of *Lewis* (U.S. Patent No. 6,513,019) further in view of *Bookspan, et al.* (U.S. Patent No. 6,636,888). These rejections are respectfully traversed.

II. Rejections Under 35 U.S.C. §112

The Office Action rejects claims 1, 16, 29, and 34 under 35 U.S.C. §112, Second Paragraph as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action asserts that the newly amended portion seems to be opposite of what the specification does. Applicant respectfully submits that, according to at least one embodiment in the specification, the message is broadcast to everyone using the non-email broadcast text messaging software, but the content may be pertinent to only some of the recipients. In this embodiment, the recipients may determine whether the message is pertinent to them

by examining the subject field of the text message. See *Specification*, page 12, line 21 – page 13, line 1. Therefore, Applicant respectfully submits that the rejection of claims 1, 16, 29, and 34 should be withdrawn.

III. Rejections Under 35 U.S.C. §103(a)

A. Claims 1-15

The Office Action rejects claims 1-3, 6-10, 12, and 14 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in view of *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250), further in view of Applicant's Admitted Prior Art. The Office Action rejects claim 4 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) and *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250) in view of *Chuah, et al.* (U.S. Patent No. 6,400,722). The Office Action rejects claim 5 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) and *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250) further in view of *Kozdon, et al.* (U.S. Patent No. 6,456,601). The Office Action rejects claim 11 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) and *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250) further in view of *Rogers, et al.* (U.S. Patent No. 6,301,484). The Office Action rejects claim 13 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) and *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250) further in view of *Bookspan, et al.* (U.S. Patent No. 6,636,888). The Office Action rejects claim 15 under 35 U.S.C. §103(a) as allegedly

being unpatentable over *Brown* (U.S. Patent No. 6,014,711) and *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250) further in view of *Lewis* (U.S. Patent No. 6,513,019). For at least the reasons set forth below, Applicant respectfully traverses these rejections.

Independent claim 1 recites:

1. A method for sending electronic mail from a client operating within a client-server architecture, the method comprising:
 - (a) provisioning the client with client non-email broadcast text messaging software;
 - (b) provisioning a server with server non-email broadcast text messaging software, wherein the server is in communication with the client;
 - (c) ***broadcasting from the client a text message in a format of the non-email broadcast text messaging software using subject based addressing wherein text in a subject field of the text message indicates to which client the message is intended, and wherein the text message contains the electronic mail;***
 - (d) receiving the text message at the server;
 - (e) reformatting the text message from the format of the non-email broadcast text messaging software to a format compatible with an email server; and
 - (g) forwarding the reformatted text message to the email server; wherein broadcasting includes transmitting a text message from a single network component to all components on a network.

(Emphasis added).

Applicant respectfully submits that claim 1 is patentably distinct from the cited art for at least the reason that the cited art does not disclose the features emphasized above. For a proper rejection of a claim under 35 U.S.C. §103, the cited combination of references must disclose, teach, or suggest all elements/features of the claim at issue. *See, e.g., In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988) and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that the combination of *Brown* and *Troen-Krasnow* does not disclose, teach, or suggest at least **broadcasting from the client a text message in a format of the non-email broadcast text messaging software using subject based addressing wherein text in a subject field of the text message indicates to which client the message is intended, and wherein the text message contains the electronic mail**. Even if, assuming for the sake of argument, *Brown* discloses a voicemail system for converting a voicemail message into an electronic format and addressing the message to the SMTP host, and *Troen-Krasnow* discloses that a message received by the recipient's equipment can include an email, Applicant respectfully submits that one of ordinary skill in the art would not have found it obvious to take the converted voicemail message taught by *Brown* and broadcast the converted voicemail message to every component on the network. Voicemail messages are not normally broadcast for every component's access, and, therefore, it would not have been obvious for one of ordinary skill in the art to broadcast voice mail messages. Therefore, the use of *Brown* in combination with *Troen-Krasnow* is improper and the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 1 is allowable over the cited references of record, dependent claims 2-15 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2-15 contain all the features of independent claim 1. *See Minnesota Mining and*

Manufacturing Co. v. Chemque, Inc., 303 F.3d 1294, 1299 (Fed. Cir. 2002)
Jeneric/Pentron, Inc. v. Dillon Co., 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000);
Wahpeton Canvas Co. v. Frontier Inc., 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, the rejection of claims 2-15 should be withdrawn and the claims allowed.

Additionally, with regard to the rejection of claim 4, *Chuah* does not make up for the deficiencies of *Brown* and *Troen-Krasnow* noted above. Further, with regard to claim 5, *Kozdon* does not make up for the deficiencies of *Brown* and *Troen-Krasnow* noted above. With regard to claim 11, *Rogers* does not make up for the deficiencies of *Brown* and *Troen-Krasnow* noted above. With regard to claim 13, *Bookspan* does not make up for the deficiencies of *Brown* and *Troen-Krasnow* noted above. With regard to claim 15, *Lewis* does not make up for the deficiencies of *Brown* and *Troen-Krasnow* noted above. Therefore, claims 4, 5, 11, 13, and 15 are considered patentable over any combination of these documents for at least the reason that claims 4, 5, 11, 13, and 15 incorporate allowable features of claim 1 as set forth above.

B. Claims 16-20 and 22-28

The Office Action rejects claims 16-19, 23-25, and 27 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in view of *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250), further in view of Applicant's Admitted Prior Art. The Office Action rejects claims 20 and 22 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) and *Troen-*

Krasnow, et al. (U.S. Patent No. 6,442,250) further in view of *Bookspan, et al.* (U.S. Patent No. 6,636,888). The Office Action rejects claim 26 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) and *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250) further in view of *Lewis* (U.S. Patent No. 6,513,019). The Office Action rejects claim 28 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) and *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250) further in view of *Ooe* (U.S. Patent No. 6,330,238). For at least the reasons set forth below, Applicant respectfully traverses these rejections.

Independent claim 16 recites:

16. A system for sending an electronic mail from a client in a client-server architecture, the system comprising:

- (a) a plurality of clients, wherein each client of the plurality of clients contains client non-email broadcast text messaging software, data processing software, and a client application program interface, and wherein each client is in communication with the plurality of clients;
- (b) ***a non-email text messaging server in communication with the plurality of clients, wherein the non-email text messaging server contains server non-email broadcast text messaging software and an email application program interface, wherein the email application program interface is adapted to receive a text message using subject based addressing wherein text in a subject field of the text message indicates to which client the message is intended, and containing the electronic mail and reformat the text message from a format compatible with the server non-email broadcast text messaging software to a format compatible with an email server;*** and
- (c) an email server in communication with the text messaging server; wherein the broadcast text messaging software is configured to transmit a text message from a single network component to all components on a network.

(Emphasis added).

Applicant respectfully submits that claim 16 is patentably distinct from the cited art for at least the reason that the cited art does not disclose the features emphasized above. Applicant respectfully submits that independent claim 16 is allowable for at least the reason that the combination of *Brown* and *Troen-Krasnow* does not disclose, teach, or suggest at least **a non-email text messaging server in communication with the plurality of clients, wherein the non-email text messaging server contains server non-email broadcast text messaging software and an email application program interface, wherein the email application program interface is adapted to receive a text message using subject based addressing wherein text in a subject field of the text message indicates to which client the message is intended, and containing the electronic mail and reformat the text message from a format compatible with the server non-email broadcast text messaging software to a format compatible with an email server.** Even if, assuming for the sake of argument, *Brown* discloses a voicemail system for converting a voicemail message into an electronic format and addressing the message to the SMTP host, and *Troen-Krasnow* discloses that a message received by the recipient's equipment can include an email, Applicant respectfully submits that one of ordinary skill in the art would not have found it obvious to take the converted voicemail message taught by *Brown* and broadcast the converted voicemail message to every component on the network. Voicemail messages are not normally broadcast for every component's access, and, therefore, it would not

have been obvious for one of ordinary skill in the art to broadcast voice mail messages. Therefore, the use of *Brown* in combination with *Troen-Krasnow* is improper and, the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 16 is allowable over the cited references of record, dependent claims 17-20 and 22-28 (which depend from independent claim 16) are allowable as a matter of law for at least the reason that dependent claims 17-20 and 22-28 contain all the features of independent claim 16. Therefore, the rejection of claims 17-20 and 22-28 should be withdrawn and the claims allowed.

Additionally, with regard to the rejection of claims 20 and 22, *Bookspan* does not make up for the deficiencies of *Brown* and *Troen-Krasnow* noted above. Further, with regard to claim 26, *Lewis* does not make up for the deficiencies of *Brown* and *Troen-Krasnow* noted above. With regard to claim 28, *Ooe* does not make up for the deficiencies of *Brown* and *Troen-Krasnow* noted above. Therefore, claims 20, 22, 26, and 28 are considered patentable over any combination of these documents for at least the reason that claims 20, 22, 26, and 28 incorporate allowable features of claim 16 as set forth above.

C. Claims 29-33

The Office Action rejects claims 29 and 32 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in view of *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250), further in view of Applicant's Admitted Prior Art. The

Office Action rejects claim 30 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) and *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250) further in view of *Lewis* (U.S. Patent No. 6,513,019). The Office Action rejects claim 31 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) and *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250) further in view of *Ooe* (U.S. Patent No. 6,330,238). The Office Action rejects claim 33 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) and *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250) in view of *Lewis* (U.S. Patent No. 6,513,019) further in view of *Bookspan, et al.* (U.S. Patent No. 6,636,888). For at least the reasons set forth below, Applicant respectfully traverses these rejections.

Independent claim 29 recites:

29. A method for sending an electronic mail comprising:
- (a) ***broadcasting from a client computer a text message in a broadcast format using subject based addressing wherein text in a subject field of the text message indicates to which client the message is intended, and wherein the text message contains the electronic email, wherein the client computer is part of a client-server architecture, and wherein the client computer does not have electronic mail software;***
 - (b) receiving the text message at a server computer of the client-server architecture;
 - (c) reformatting the text message from the broadcast format to an email format; and
 - (d) forwarding the reformatted text message to an email server that is compatible with the email format;
- wherein broadcasting includes transmitting a text message from a single component on a network.

(Emphasis added).

Applicant respectfully submits that claim 29 is patentably distinct from the cited art for at least the reason that the cited art does not disclose the features emphasized above. Applicant respectfully submits that independent claim 29 is allowable for at least the reason that the combination of *Brown* and *Troen-Krasnow* does not disclose, teach, or suggest at least **broadcasting from a client computer a text message in a broadcast format using subject based addressing wherein text in a subject field of the text message indicates to which client the message is intended, and wherein the text message contains the electronic email, wherein the client computer is part of a client-server architecture, and wherein the client computer does not have electronic mail software.** Even if, assuming for the sake of argument, *Brown* discloses a voicemail system for converting a voicemail message into an electronic format and addressing the message to the SMTP host, and *Troen-Krasnow* discloses that a message received by the recipient's equipment can include an email, Applicant respectfully submits that one of ordinary skill in the art would not have found it obvious to take the converted voicemail message taught by *Brown* and broadcast the converted voicemail message to every component on the network. Voicemail messages are not normally broadcast for every component's access, and, therefore, it would not have been obvious for one of ordinary skill in the art to broadcast voice mail messages. Therefore, the use of *Brown* in combination with *Troen-Krasnow* is improper and, the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 29 is allowable over the cited references of record, dependent claims 30-33 (which depend from independent claim 29) are allowable as a matter of law for at least the reason that dependent claims 30-33 contain all the features of independent claim 29. Therefore, the rejection of claims 30-33 should be withdrawn and the claims allowed.

Additionally, with regard to the rejection of claim 30, *Lewis* does not make up for the deficiencies of *Brown* and *Troen-Krasnow* noted above. Further, with regard to claim 31, *Ooe* does not make up for the deficiencies of *Brown* and *Troen-Krasnow* noted above. With regard to claim 33, *Lewis* and *Bookspan* do not make up for the deficiencies of *Brown* and *Troen-Krasnow* noted above. Therefore, claims 30, 31, and 33 are considered patentable over any combination of these documents for at least the reason that claims 30, 31, and 33 incorporate allowable features of claim 29 as set forth above.

D. Claims 34 and 35

The Office Action rejects claim 34 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) in view of *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250), further in view of Applicant's Admitted Prior Art. The Office Action rejects claim 35 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* (U.S. Patent No. 6,014,711) and *Troen-Krasnow, et al.* (U.S. Patent No. 6,442,250) in view of *Lewis* (U.S. Patent No. 6,513,019) further in view of *Bookspan, et*

al. (U.S. Patent No. 6,636,888). For at least the reasons set forth below, Applicant respectfully traverses these rejections.

Independent claim 34 recites:

34. A system for sending an electronic mail from a client in a client-server architecture, the system comprising:

- (a) ***means for broadcasting from a client computer a text message in a non-email broadcast format using subject based addressing wherein text in a subject field of the text message indicates to which client the message is intended, and wherein the text message contains the electronic email, wherein the client computer is part of a client-server architecture;***
- (b) means for receiving the text message at a server computer of the client-server architecture;
- (c) means for reformatting the text message from the non-email broadcast format to an email format; and
- (e) means for forwarding the reformatted text message to an email server that is compatible with the email format;
wherein broadcasting includes transmitting a text message from a single network component to all components on a network.

(Emphasis added).

Applicant respectfully submits that claim 34 is patentably distinct from the cited art for at least the reason that the cited art does not disclose the features emphasized above.

Applicant respectfully submits that independent claim 34 is allowable for at least the reason that the combination of *Brown* and *Troen-Krasnow* does not disclose, teach, or suggest at least **means for broadcasting from a client computer a text message in a non-email broadcast format using subject based addressing wherein text in a subject field of the text message indicates to which client the message is intended, and wherein the text message contains the electronic email, wherein**

the client computer is part of a client-server architecture. Even if, assuming for the sake of argument, *Brown* discloses a voicemail system for converting a voicemail message into an electronic format and addressing the message to the SMTP host, and *Troen-Krasnow* discloses that a message received by the recipient's equipment can include an email, Applicant respectfully submits that one of ordinary skill in the art would not have found it obvious to take the converted voicemail message taught by *Brown* and broadcast the converted voicemail message to every component on the network. Voicemail messages are not normally broadcast for every component's access, and, therefore, it would not have been obvious for one of ordinary skill in the art to broadcast voice mail messages. Therefore, the use of *Brown* in combination with *Troen-Krasnow* is improper and, the rejection should be withdrawn for at least that reason.

For at least the reason that independent claim 34 is allowable over the cited references of record, dependent claim 35 (which depends from independent claim 34) is allowable as a matter of law for at least the reason that dependent claim 35 contains all the features of independent claim 34. Therefore, the rejection of claim 35 should be withdrawn and the claim allowed.

Additionally, with regard to the rejection of claim 35, *Lewis* and *Bookspan* do not make up for the deficiencies of *Brown* and *Troen-Krasnow* noted above. Therefore, claim 35 is considered patentable over any combination of these documents for at least the reason that claim 35 incorporates allowable features of claim 34 as set forth above.

IV. Miscellaneous Issues

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

CONCLUSION

For at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-20 and 22-35 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

It is believed that no extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account No. 20-0778.

Respectfully submitted,

/BAB/

Benjamin A. Balser, Reg. No. 58,169

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**
Suite 1500
600 Galleria Parkway
Atlanta, Georgia 30339
(770) 933-9500
Customer No.: 38823